

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

LEVI STARR,

Defendant.

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Case No. 8:08CR400

**ORDER**

This case came before the Court on a Petition for Action on Conditions of Pretrial Release (#18). On January 12, 2009 Pretrial Services Officer James M. Roberts submitted a Petition for Action on Conditions of Pretrial Release alleging that Defendant had violated conditions of release as follows:

1. The defendant shall not commit any offense in violation of federal, state or local law while on release in this case.

7. The defendant shall:

(R) Participate in one of the home confinement program components and abide by all requirements of the program, which will not (x) include electronic monitoring or other location verification system.

**Home Detention.** You are restricted to your home at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment, attorney visits, court appearances, or other activities as pre-approved by the supervising officer.

(bb) Have no contact with persons under the age of eighteen. The defendant shall report as soon as possible to the supervising officer any contacts with persons under the age of eighteen.

*Information received from the Bellevue Police Department indicated the defendant was arrested on felony Sexual Assault of a Minor on January 8, 2009. The arresting officer indicated the defendant is alleged to have had sexual contact with a fifteen year old female on three occasions in November 2008. The defendant left the residence without authorization on January 8, 2008.*

A warrant for Defendant's arrest was issued.

Defendant appeared before the undersigned magistrate on February 6, 2009. Shannon O'Connor, Assistant Federal Public Defender, represented Defendant. Sandra Denton, Assistant United States Attorney, represented the Government. After being advised of the nature of the allegations, rights, and the consequences if the allegations were found to be true, Defendant admitted he was arrested on the incident set out in the allegations. The Court took judicial notice of the Memorandum of Pretrial Services Officer James Roberts dated February 6, 2009. The Court finds the allegations set out in the petition are generally true and finds the Defendant violated the conditions of release.

After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release (#12) should be revoked.

**IT IS ORDERED:**

1. The Petition for Action on Conditions of Pretrial Release (#18) is granted;
2. The November 10, 2008 Order Setting Conditions of Release (#12) is hereby revoked; and
3. The issue of detention is held in abeyance until the defendant formally is in federal custody.

Dated this 6<sup>th</sup> day of February 2009.

BY THE COURT:

s/ F. A. Gossett  
United States Magistrate Judge